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February 2, 2023

VIA ECF

Hon. Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *Commodities & Minerals Enterprise Ltd. v. CVG Ferrominera Orinoco, C.A.*, No. 16-cv-861

Dear Judge Carter:

We submit this joint letter on behalf of Plaintiff Commodities & Minerals Enterprise Ltd. (“CME”) and Defendant CVG Ferrominera Orinoco, C.A. (“FMO” and, together with CME, the “Parties”) in response to Your Honor’s January 25, 2023 Order directing the Parties to submit a joint status report to the Court. *See* Dkt. 128.

On October 3, 2022, the U.S. Court of Appeals for the Second Circuit issued an opinion and order affirming in part and vacating in part the Court’s November 30, 2020 Opinion & Order, as amended on December 10, 2020. *See Commodities & Minerals Enter. Ltd. v. CVG Ferrominera Orinoco, C.A.*, 2d Cir. No. 20-4248, Dkt. No. 88. The Second Circuit’s mandate was issued on October 24, 2022. *See Commodities & Minerals Enterprise Ltd. v. CVG Ferrominera Orinoco, C. A.*, No. 19-cv-11654, Dkt. No. 61.

On December 29, 2022, FMO filed a petition for writ of certiorari with the U.S. Supreme Court, which was docketed on January 3, 2023. *See CVG Ferrominera Orinoco, C.A. v. Commodities & Minerals Enterprise Ltd.*, S. Ct. No. 22-608. On January 13, 2023, CME filed a waiver of its right to respond to FMO’s petition for a writ of certiorari. On January 18, 2023, the matter was distributed for conference scheduled for February 17, 2023.

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Respectfully submitted,

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